PATENT
ATTY. DOCKET NO. SONY/88

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte Gudorf et al

Appeal No. _____

Serial No.:	**09/858,101**
Filed:	**May 15, 2001**
Group Art Unit:	**2152**
Examiner:	**Thong H. Vu**
Applicant:	**Gudorf et al**
Title:	**Personalized Interface with Adaptive Content Presentation**

Cincinnati, Ohio 45202

October 30, 2006
Via EFS-WEB

APPEAL BRIEF

This brief is in furtherance of Applicant's Notice of Appeal filed August 30, 2006, appealing the decision of the Examiner dated May 30, 2006 finally rejecting claims 1-10. A copy of the claims appears in the Appendix to this brief.

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/ Thomas W. Humphrey / October 30, 2006
Thomas W. Humphrey Date
Reg. No. 34,353

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Real Party In Interest

The real party in interest in this appeal is Sony Corporation and Sony Electronics Inc., a Corporation of Japan and Delaware having a place of business at 6-7-35 Kitashinagawa, Shinagawa-ku 141, Tokyo, Japan and 1 Sony Drive, Park Ridge, NJ 07656, respectively.

Related Appeals and Interferences

There are no such appeals or interferences.

Status of Claims

Claims 1-10 were originally filed with the application and remain pending, and currently stand rejected.

Applicant's Response to Office Action dated December 2, 2004 did not amend claims. Applicant's Response to Office Action dated July 14, 2005, amended claim 1. Applicant filed a Request for Continued Examination on July 15, 2005. Applicant's Response to Office Action dated October 27, 2005, amended claims 8 and 9.

Status of Amendments

There are no amendments pending.

Summary of Claimed Subject Matter

The invention relates to the automatic adjustment of on-line content, e.g., the content of a web site, to match preferences or selections of the user. The invention is an improvement upon known processes for performing such customization; those processes monitoring user click streams to determine which content is of greatest interest to the user, and build a profile of user preferences from which subsequent content can be configured.

Unlike this prior art, the invention senses a user's subjective preferences and associates those preferences with one of a plurality of computing environments (e.g., time, location, type of computer platform) utilized by the user. For the same user, different computing environments can be associated with different preferences. Consequently, the changing subjective preferences of a user are reflected in personalized on-line content that is particular for the computing environment.

In accordance with principles of the invention, a plurality of usage profiles are personalized for a user, to reflect the monitored subjective preferences for the user corresponding to each of plural computing environments. Personalized on-line content is then presented in accordance with the profile appropriate for the current computing environment.

As seen in Fig. 1, a user's computer 16 accesses on-line content over network 20. In particular, the user computer 16 includes an application, such as a browser, depicted as a window 36 displayed on the computer display 24. The window 36 renders a web page 38 to the World Wide Web, provided over the network 20 as a hypertext markup language (HTML), or hypertext, document from a portal computer system 40. The web page 38 includes on-line content such as graphics, text, audio or video files. Often, the on-line content includes links

42-46 that are selectable with a cursor 48 controlled by the mouse 28. Each link 42-46 respectively identifies on-line content 50-54 accessible over the network 20, such as by a Uniform Resource Locator (URL).

User computer 16 may include a physiological detection capability, illustrated by an eye tracking video camera 32 and a galvanic skin sensor pad 34 on the mouse 28. These sensors may be used in gauging visual and tactile response, or other autonomic reaction, to on-line content.

The user of computer 16 may also use other computers. Each user computer 12-16 may represent a different computing environment used by the same user. The computing environment includes objectively distinguishable factors such as type of computer, location of use, purpose for use, and time of use that affect the user's subjective preferences for on-line content. For example, user computer 12 may represent an office workstation used during weekday work hours for performing research. The user may prefer to restrict on-line content viewed to items of concern to the workplace.

The user computer 14 may represent a portable notebook computer configured for remotely accessing resources at the workplace during travel. The user computer 14 may further be used for projecting business graphics, performing word processing, scheduling, and exchanging e-mail. The user computer 14 may have data transmission, display and processing limitations that impact the user's subjective preferences for on-line content, such as preferring text-only content.

User computer 16 may represent a home desktop computer used in the evenings and on weekends for non-work related activities. Thus, the user may subjectively prefer on-line content for entertainment and formal education.

Grounds of Rejection

Claims 1-4 and 8-10 stand rejected under 35 U.S.C. 102, asserted to be anticipated by Burge et al., U.S. Patent 6,014,638 ("Burge").

Claims 5-7 stand rejected under 35 U.S.C. 103, asserted to be obvious in light of Burge in combination with Labounty, U.S. Patent 6,871,211 ("Labounty")

Argument

The present claims are directed to the concept of managing plural user preferences for one user – each preference associated with one of a plurality of different, distinguishable computing environments. For example, the same user may access information from an office location (a first computing environment) and a home location (a second computing environment) and have dramatically different preferences for the presentation, style and content of information obtained in those two environments from the same server. The present invention is directed to capturing these preferences for a single user and managing them in the different computing enviornments.

Significantly, each independent claim presented recites that multiple stored profiles are associated with one user in a remote server. Specifically, in the language of claims 1, 8 and 9, there is "a user" and "a plurality of usage profiles ... for the user corresponding to each of [plural] computing environments." This language thus establishes that one user may have plural profiles for plural computing environments.

The Examiner has relied upon the Burge patent for anticipation of each of the independent claims here at issue; however Burge does not disclose this basic feature of the invention. The Burge patent, which is assigned on its face to America Online, discloses a system for customizing content and the presentation of content for computer users. The system monitors and records a user's navigational choices to determine the user's needs and preferences for subsequent displays.

The Burge system is thus like the prior art systems discussed above, in which user preferences are extracted from the user's click stream, without regard to computing environment. Thus, Burge does not disclose the concept of a single user having multiple profiles with the common remote server, and the Examiner has not indicated how Burge discloses this concept.

In the Examiner's Final Rejection, the Examiner argues that "it was clear to an ordinary skill in the art that a database stored a multiple profiles" – as understood, this assertion this misses the point; the claims recite that "a" user has "a plurality of usage profiles ... for the user". This many-to-one relationship between profiles and users is simply not shown in Burge. All that Burge would show or suggest is one profile for each user to identify that user's preferences, not plural profiles to reflect the preferences of one user, associated with plural computing environments.

As the claimed concept of multiple profiles for one user is not shown or suggested in Burge, the Examiner's rejection fails and must be reversed.

Applicant notes that the Examiner has cited Labounty with regard to dependent claims that recite detecting user physiological responses. Labounty describes a medical telemetry system. Applicant submits that Labounty, if it is relevant and combinable with Burge at all, does not teach multiple profiles, for different computing environments. It thus does not support the Examiner's rejections of the independent claims 1, 8 and 9.

Accordingly, Applicant submits that the Examiner's rejection is in error and a reversal of the rejection and allowance of the claims is therefore requested.

Respectfully submitted,
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Claim Appendix

1. (Previously presented) A method of displaying on-line content, the method comprising:

monitoring subjective preferences of a user interacting on-line with a remote computing system that is remote from the user, while the user is in one of a plurality of objectively distinguishable local computing environments that is local to the user;

personalizing and storing a plurality of usage profiles in the remote computing system to reflect the monitored subjective preferences for the user corresponding to each of the local computing environments; and

presenting on-line content personalized in accordance with one of the usage profiles in response to the user interacting in an identified one of the local computing environments.

2. (original) The method of claim 1, wherein monitoring subjective preferences of the user further comprises:

determining a unique computing environment by identifying at least one characteristic selected from the group consisting of time of day, day of the week, date, computing location, and computing platform.

3. (original) The method of claim 2, further comprising:

creating a new usage profile in response to identifying a unique computing environment monitored subjective preferences.

4. (original) The method of claim 2, wherein personalizing the plurality of usage profiles to reflect the monitored subjective preferences for the user corresponding to each of the computing environments further comprises:

creating a new usage profile for the user in response to a comparison of subjective preferences of the user in a one computing environment with subjective preferences of the user in another computing environment.

5. (original) The method of claim 1, wherein monitoring subjective preferences of the user interacting on-line further comprises:

detecting a user physiological response to on-line content.

6. (original) The method of claim 5, wherein detecting the user physiological response to on-line content further comprises detecting eye movement of the user.

7. (original) The method of claim 5, wherein detecting the user physiological response to on-line content further comprises detecting a galvanic skin response.

8. (Previously presented) An apparatus, comprising:

a memory; and

a program stored in the memory and configured to monitor subjective preferences of a user interacting on-line in a plurality of objectively distinguishable remote computing environments separate from the local

computing environment executing the program, to personalize a plurality of usage profiles to reflect the monitored subjective preferences for the user corresponding to each of the remote computing environments, and to present on-line content personalized in accordance with one of the usage profiles in response to the user interacting in an identified one of the remote computing environments.

9. (Previously presented) A program product, comprising:

a program configured to monitor subjective preferences of a user interacting on-line in a plurality of objectively distinguishable remote computing environments separate from the local computing environment executing the program, to personalize a plurality of usage profiles to reflect the monitored subjective preferences for the user corresponding to each of the remote computing environments, and to present on-line content personalized in accordance with one of the usage profiles in response to the user interacting in an identified one of the remote computing environments; and

a signal bearing medium bearing the program.

10. (original) The program product of claim 9, wherein the signal bearing medium includes at least one of a recordable medium and a transmission medium.

Evidence Appendix

None

Related Proceedings Appendix

None